

EXHIBIT J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW
RAY SPENCER, and KATHRYN E.
TETZ,

Plaintiffs,

vs.

Case No: C11-5425BHS

CERTIFIED COPY

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON
KRAUSE, SERGEANT MICHAEL DAVIDSON,
CLARK COUNTY PROSECUTOR'S OFFICE,
CLARK COUNTY SHERIFF'S OFFICE,
THE COUNTY OF CLARK and JOHN
DOES ONE THROUGH 10,
Defendants.

_____/

VIDEOTAPED DEPOSITION OF

DEANNE SPENCER

Friday, November 16, 2012

Reported by Jennifer F. Milne, CSR No. 10894

1 make sure that my kids were --

2 MS. FETTERLY: Why don't we take a break. Let's
3 take a break.

4 THE VIDEOGRAPHER: Okay. We're going to go off
5 the record. It's 10:04 a.m.

6 (Brief recess.)

7 THE VIDEOGRAPHER: We're back on the record.
8 It's 10:09 a.m.

9 BY MS. FETTERLY:

10 Q Before we had a break, Ms. Spencer, we were
11 talking about the fact that you had arranged to have a
12 medical examination of Katie.

13 A That's correct.

14 Q And we've established that was on August 30th,
15 1984.

16 Where did that examination take place?

17 A It took place at U.C. Med Center in Sacramento.

18 Q And that is a Davis campus, I take it?

19 A Yes.

20 Q And did you -- as you were advised to by, you
21 said, a social worker. Did you have a discussion with
22 Katie at that time before the examination --

23 A I did.

24 Q -- as to what would happen at this examination?

25 A What I said to her was -- we were in the car,

1 and we were on our way, and she was looking at me, like,
2 you know, what's going on? And I said, "Well, we know
3 that daddy's touched in you places that daddies aren't
4 supposed to touch little girls. And we want to make
5 sure you're not hurt."

6 Q Okay. And what was her response?

7 A She curled into a ball, rolled to the side of
8 the door and began yelling, "Mommy, please don't let
9 them touch me there. Please don't let them touch me
10 there."

11 Q Did you proceed to the medical center, then?

12 A I did.

13 Q Okay. And who was present when -- when the
14 examination, at least attempted examination, took place?

15 A There was a female doctor, a female nurse, and a
16 female social worker and myself.

17 Q And what happened during this process? And you
18 were present the entire time; is that right?

19 A Yes.

20 Q So describe what happened during -- when you and
21 Katie and the medical staff were in the examination
22 room?

23 A They -- we took her shoes off and then the
24 doctor started to -- she was sitting on my lap. And the
25 doctor started to take her tights off, and she began

1 screaming and kicking and yelling. And none of us could
2 get them off of her.

3 Q Was there ever, on this occasion, a vaginal
4 examination done of your daughter on that date?

5 A No.

6 Q Okay. What type of examination, if any, was
7 done -- and this was while she was on your lap; is that
8 right?

9 A She was on my lap, yeah.

10 Q Was she ever on an examination table?

11 A No.

12 Q Okay. Were there any instruments inserted into
13 her?

14 A No.

15 Q Was the physician even able to probe into her
16 vaginal area?

17 A No.

18 Q Okay. So what was examined, if anything, during
19 this examination?

20 A Nothing.

21 Q And that was because --

22 A We couldn't -- she was hysterical. We could not
23 get her tights off. She still had her dress on. We
24 couldn't get her tights off.

25 Q Handing you what has been marked as Exhibit

1 Number 3, can you identify this document?

2 A Yes.

3 Q And what is it, to the best of your knowledge?

4 A It's the medical report from that visit, it
5 looks like.

6 Q It's a three-page document?

7 A Correct.

8 Q Would you agree that on the third page there's a
9 handwriting that says "No physical finding"?

10 A That's correct.

11 Q And how do you explain that particular finding?
12 Was that following an actual vaginal examination?

13 A No.

14 Q Okay. How would you explain the writing of
15 those conclusions?

16 A I can't explain it.

17 Q Could there possibly be no physical findings
18 because an actual examination was not done, an actual
19 pelvic examination was not done?

20 A That would be my assumption.

21 Q And then did you take Katie home that day after
22 the examination?

23 A Actually, the social worker -- I was told while
24 I was there that there's been an apparent trauma. You
25 need to get her into some sort of counseling or therapy.

1 therapist ever state to you, "I think she made these
2 allegations up"?

3 A No.

4 Q Did she ever state to you, "she" being the
5 therapist, "I don't think anything actually happened"?

6 A No.

7 Q Was it your understanding that the therapy she
8 was pursuing with Katie was that she had been -- in
9 fact, been improperly touched by her father?

10 A Yes.

11 Q Did -- and -- in the same time period, did you
12 notice any unusual behavior on Katie's part that may or
13 may not, based on your understanding of child
14 development, have been consistent or inconsistent with
15 physical sexual abuse?

16 A At times I felt uncomfortable of some of her
17 behaviors, especially around, oh, like her uncles --
18 it's so long ago.

19 Q I know.

20 A But I just -- I can't put my finger on it. I
21 was just uncomfortable.

22 Q Okay. Did you ever observe her to rub her
23 genital area in this time frame?

24 A Yes; but I didn't think anything of it.

25 Q Did she ever ask you to apply medicine to her

1 genital area in this time frame?

2 A Yes.

3 Q Okay. Had you ever done that in the past?

4 A She had a sore like on the top of the vaginal
5 area, not inside, but on the top. And when I took her
6 to the doctor, he said it was a viral infection. And he
7 gave me medication to put on.

8 Q And how -- when did this occur in relation to
9 the fall of 1984 time frame? Was it in the same time
10 frame, or was that earlier?

11 A I'm sorry. I don't remember.

12 Q Okay. Do you think it was before, possibly?

13 A Yeah, I do believe it was before.

14 Q Okay. Did you notice anything unusual about the
15 nightgown Katie brought back from her visits with her
16 father in the summer of 1984?

17 A It just seemed to be worn, you know. A little
18 strangely -- I mean worn -- worn out.

19 Q Can you be more specific? Was it fraying at the
20 sides or any particular place or --

21 A More of in the area of where she might have had
22 her underwear.

23 Q Go ahead. Take a break.

24 A Okay.

25 Q And your response was more in her underwear

1 area?

2 A Yeah. Yes.

3 Q And what particularly did you notice about that
4 nightgown in that regard?

5 A I just remember it said "Daddy's Little
6 Princess" on it. It made me very uncomfortable. I
7 can't tell you why.

8 Q Okay. What did you do with that nightgown?

9 A I threw it away.

10 Q Was that after the allegations of abuse had
11 been -- had surfaced?

12 A Yes.

13 Q Did you learn at some point that you were
14 actually a suspect; that your former husband was telling
15 authorities up in Clark County that it was actually you
16 or possibly a man in your home that was abusing Katie?

17 A Yes.

18 Q Okay. And when, approximately, did you learn
19 about that?

20 A It was -- it was not long after Pat Flood had
21 come over. I mean, it was within that few-months time
22 period. I don't remember exactly when.

23 Q And at that time, were there any men living in
24 your household?

25 A No.

1 Q That was the incident you described earlier
2 about burning the picture?

3 A Correct.

4 Q You read through earlier today that Exhibit 27,
5 which was the handwritten note by Shirley Spencer
6 regarding statements that Katie made to Shirley.

7 After reviewing that document, can you tell us
8 whether you thought the words that Shirley
9 reported Katie as using sounded kind of like the way
10 Katie would talk back then in 1984 when she was about
11 five years old?

12 A Yes.

13 Q Do you think that that was true as well from the
14 police reports that you read that were describing words
15 Katie was using back then around age five?

16 A Yes.

17 Q Do you also think in reviewing the police
18 reports that described Matt's disclosures of abuse that
19 those reports seemed to be using words that Matt was
20 using back during that time period when he was about
21 eight or nine years old?

22 A Yes.

23 Q After Detective Krause would interview your
24 children, would she usually meet with you afterwards?

25 A Yes.

1 Q Would she summarize what the kids had told her
2 during her interviews of them on each occasion?

3 A Yes.

4 Q When she would give that summary, did you
5 observe her to be looking at any notes that she had or
6 was she just doing it off the top of her head?

7 A Sharon Krause always had notes.

8 Q So when she would give you those summaries,
9 would she be flipping through her notes as she was
10 summarizing it for you?

11 A Yes.

12 Q Do you recall any of those summaries of what
13 Krause told you?

14 A I do not.

15 Q Okay. After having reviewed the police reports
16 written by Detective Krause, do you have any reason to
17 believe that the information reported in those reports
18 is different in any way from what she summarized for you
19 after each of those interviews?

20 A No.

21 Q I want to talk a little bit about Rhonda Short
22 now, please.

23 Was that -- that incident where Ray Spencer had
24 sex with Rhonda Short ever investigated by the police,
25 to your knowledge?

1 A They do.

2 Q And I believe you said that the County had paid
3 airfare for you and Kathryn for you to come up on that
4 trip?

5 A Yes.

6 Q You were asked some questions by Ms. Fetterly
7 about the videotaped interview in a break that occurred
8 during the taping.

9 You had also testified that Sharon Krause was
10 present for just the first few minutes of that taped
11 interview and then she left.

12 Do you recall that?

13 A Yes.

14 Q Did you talk to Sharon Krause during the break
15 and the taping?

16 A I don't remember.

17 Q Do you remember if you saw or talked to Sharon
18 Krause immediately after the videotaped interview
19 concluded that day?

20 A I believe I did.

21 Q Do you recall what was discussed?

22 A I do not.

23 Q Do you remember hearing any conversation among
24 anybody, whether it's Jim Peters or the video operator
25 or Sharon Krause, about what was going to be done with

1 the videotape when the interview ended?

2 A I don't remember. I don't recall.

3 MR. BOGDANOVICH: Thank you, Ms. Spencer.

4 That's all I have.

5 THE WITNESS: You're welcome.

6 MS. FETTERLY: Ms. Zellner?

7 MS. ZELLNER: I've got a few questions.

8 MS. FETTERLY: Do you want to take a --

9 THE WITNESS: (Witness shakes head.)

10 MS. FETTERLY: The witness said she doesn't need
11 a break, Ms. Zellner, so --

12 MS. ZELLNER: Does or does not?

13 MS. FETTERLY: Does not.

14 MS. ZELLNER: Okay. Good.

15 EXAMINATION

16 BY MS. ZELLNER:

17 Q Ms. Spencer, would you tell me -- identify for
18 the record all of the documents that you reviewed before
19 today's deposition?

20 A Let's see. There was a couple -- the letter
21 that I wrote for my son. That was 19. Exhibit Number
22 11, the Utility Report from the Sheriff's Office.

23 Q Anything else?

24 A Give me a moment, please.

25 Q Yeah, you cut off. I just heard Exhibit 11 and

1 have the words on the tape, correct?

2 A I do now.

3 Q If you look at page 14, and if you come down
4 about probably 13 lines, it says "Peters" --

5 A Okay.

6 Q -- "How come you told me they were upstairs?"
7 And he says, "Huh? Did you forget?" And Katie answers,
8 "Yes." Peter says, "Okay. That's fine. Well, do you
9 remember -- before this time that you just told me
10 about, did Ray do that to you before?"

11 Do you see that statement?

12 A I do.

13 Q Now, do you remember that when the -- when the
14 break was taken that there was discussion between Peters
15 and Katie of what she was going to say?

16 A There was no discussion in my presence about
17 what Katie was to say.

18 Q You're 100 percent positive of that?

19 A I was very cautious about what was said around
20 my children. And there was no discussion about what to
21 say or anything other -- that I recall.

22 Q Okay. When you say "in your presence," isn't it
23 true that on the break that Sharon Krause also rejoined
24 you, your daughter, and Peters for a few minutes?

25 A I believe so.

1 Q And so did you observe your daughter having any
2 interaction with Sharon Krause?

3 A Other than "hi" conversations?

4 Q I am correct that Sharon Krause was with you and
5 Mr. Peters and Katie on the break, correct?

6 A I believe so.

7 Q This break takes over an hour. Do you recall
8 that?

9 A I do not.

10 Q Why do you still use your ex-husband's last
11 name?

12 A When I divorced their father, and especially
13 after this incident occurred, I did not want my children
14 to think I was divorcing myself from them and that I was
15 not wanting to identify with who they were, which was a
16 Spencer. So I kept his last name.

17 Q So even though he's been convicted of these
18 terrible crimes, you decided to keep his last name?

19 A If I kept his last name, then my children would
20 not think, in my opinion and in my belief -- if I kept
21 his last name, then they couldn't be bad people because
22 my name was their name. And that if -- even though
23 their father, who I told them was ill and needed help --
24 I did not want them to think that they would also be
25 ill.

1 Q Okay. When you leave after Katie's
2 videotaped -- actually, when you go back in the room for
3 the second part of the videotaping, do you move to a
4 different location?

5 A I believe we moved to a different room.

6 Q Was that -- or were you led to believe that was
7 Sharon Krause's office?

8 A I don't recall.

9 Q Was it an office-like room, or was it more of a
10 conference room? Do you remember?

11 A I believe it was more like a small conference
12 room with a table and some chairs.

13 Q Do you remember; were you upstairs or downstairs
14 in the Sheriff's building?

15 A I don't recall.

16 Q And when the video is concluded, I'm sure that
17 you have a brief discussion with Mr. Peters. Do you
18 remember that conversation with Mr. Peters when the
19 video ended?

20 A I do not.

21 Q Do you remember seeing Mr. -- Sharon Krause
22 around? Did she come back in the room at the end of the
23 video?

24 A I don't remember.

25 Q Okay. And do you see Mr. Peters take the

1 videotape out of the camera?

2 A I don't remember.

3 Q And did you observe, at any point, the videotape
4 being put in a desk drawer?

5 A I don't remember.

6 Q And did you think it was important for the
7 videotape to be made?

8 A I did.

9 Q Well, you went to all of the effort to travel
10 there, right, to try to cooperate so they can make the
11 videotape?

12 A Correct.

13 Q And you would agree with me certainly in the
14 first half of the tape that it's somewhat stressful for
15 Katie to go through the interview?

16 A Yes.

17 Q And you would not have put your daughter through
18 that for no reason, right?

19 A Correct.

20 Q And assuming as a good mother, which you seem to
21 be, that you would be concerned and want to make sure
22 that Katie's statements were true and correct about what
23 had happened?

24 A Yes.

25 Q And your understanding was the videotape was

EXHIBIT K

DEPOSITION OF KATHRYN ELIZABETH TETZ, 11/14/12

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER and KATHRYN E. TETZ,

Plaintiffs,

v.

No. 11-5424 BHS

FORMER DEPUTY PROSECUTING ATTORNEY FOR)
CLARK COUNTY JAMES M. PETERS, DETECTIVE)
SHARON KRAUSE, SERGEANT MICHAEL)
DAVIDSON, CLARK COUNTY PROSECUTOR'S)
OFFICE, CLARK COUNTY SHERIFF'S OFFICE,)
THE COUNTY OF CLARK, SHIRLEY SPENCER)
and JOHN DOES ONE through TEN,)

Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF
KATHRYN ELIZABETH TETZ

Wednesday, November 14, 2012
10:00 a.m.
1201 Third Avenue, Suite 2200
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR
Lic. No. DE-JO-NM-J498K9

1 rewarding you at the end of each interview session?

2 A. Yes.

3 Q. Is that right?

4 A. Yes.

5 Q. What did she reward you with, or what do you
6 remember her rewarding you with?

7 A. Sodas, ice cream.

8 Q. But she didn't give you money, I take it?

9 A. No.

10 Q. She didn't give you items that had any particular
11 value, such as maybe a doll that was expensive or --

12 A. Not that I remember.

13 Q. -- a bicycle?

14 A. But when you're five it might as well have been
15 something of value.

16 Q. Okay, but that wasn't my question.

17 MS. ZELLNER: She answered it.

18 A. I answered it.

19 Q. So the extent of her rewards, as you remember it,
20 was giving you sodas and ice cream?

21 A. Yes.

22 Q. And set those aside for a minute, I want to go back
23 to Exhibit 1. In Paragraph 8 you testified under oath on
24 September 14, 2007, I do have a vague recollection of having
25 been questioned by Detective Krause. I don't recall the

1 details of the questioning and I don't recall the responses
2 that I gave at that time even after reading the detective's
3 reports.

4 This was your testimony then?

5 A. Yes.

6 Q. And that's still true today?

7 A. Yes.

8 Q. And 9 is, you state, Paragraph 9, it is my belief
9 that if I had been sexually abused in the manner described
10 in the police reports alleged against my father I would have
11 a memory of this having occurred. I have no such memory
12 because I have -- I assume that's to be a no -- memory
13 whatsoever of having been sexually abused by my father. I
14 am concerned that I was never abused and that my father was
15 wrongfully convicted.

16 That was your testimony at the time under oath.

17 Correct?

18 A. Yes.

19 Q. And that's true today, is it not?

20 A. Yes.

21 Q. Now I would have you take a couple minutes, or as
22 much time as you need, I don't want to pressure you for
23 time, to read Exhibits 2, 3 and 4.

24 But before you do that, I just want to be clear,
25 Mr. Camiel, as I understand it, provided you with Exhibit 2,

EXHIBIT L

DEPOSITION OF MATTHEW RAY SPENCER, 11/13/12

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY)	
SPENCER and KATHRYN E. TETZ,)	
)	
Plaintiffs,)	
)	
v.)	No. 11-5424 BHS
)	
FORMER DEPUTY PROSECUTING ATTORNEY FOR)	
CLARK COUNTY JAMES M. PETERS, DETECTIVE))	
SHARON KRAUSE, SERGEANT MICHAEL)	
DAVIDSON, CLARK COUNTY PROSECUTOR'S)	
OFFICE, CLARK COUNTY SHERIFF'S OFFICE,)	
THE COUNTY OF CLARK, SHIRLEY SPENCER)	
and JOHN DOES ONE through TEN,)	
)	
Defendants.)	
)	

DEPOSITION UPON ORAL EXAMINATION OF
MATTHEW RAY SPENCER

Tuesday, November 13, 2012
10:00 a.m.
1201 Third Avenue, Suite 2200
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR
Lic. No. DE-JO-NM-J498K9

AFTERNOON SESSION

(1:15 p.m.)

(Exhibit No. 5 marked for identification.)

EXAMINATION (continued)

BY MR. BOGDANOVICH:

Q. We have taken our lunch break, Mr. Spencer. Are you ready to proceed?

A. I am.

Q. I'm going to show you what has been marked as Exhibit 5, and because of the size of this one I am not necessarily going to ask you to go through each and every page.

I'm going to represent to you that Exhibit 5 is a copy of the transcript of the hearing that we had discussed a little bit earlier in your testimony today, the July 10, 2009 hearing that's been referred to as the reference hearing regarding your recantation and your sister Kathryn's recantation.

And what I have copied here is from the cover page. And they are numbered, you will see for reference, the page numbers appear near the top right corner.

I have copied this transcript through Page 58, which is where your testimony ended, okay. And I will be referring to certain questions.

1 Again, I don't want you to read through this 58 pages
2 right now but I will try to give you enough context for
3 specific questions that you will understand what the context
4 was. And if you need to look up or back a few questions,
5 I'll certainly allow you to do that.

6 Before we go any further I wanted to direct your
7 attention to the bottom of Page 14. And this is where you
8 were discussing the March 1985 interview by Detective
9 Krause.

10 And you see at Line 18 your attorney was questioning
11 you. It indicates at the top this was your direct
12 examination, not your attorney, your father's, Mr. Camiel.

13 Line 18 he asked you a question: When you had been
14 telling the detective that you had not been molested, did
15 the detective seem to accept your answer?

16 Answer: She never accepted a quote, no, end quote,
17 answer.

18 Question: How do you know that?

19 Answer: Because it wasn't until I said, quote, yes, end
20 quote, is when the questioning stopped.

21 And then there was this exchange. Question: When you
22 said, quote, yes, end quote, what did you tell the
23 detective?

24 And your answer: I told her that he had molested me and
25 my sister and my stepbrother and that there had been more

1 than one individual involved and --

2 And then your answer was interrupted.

3 You were sworn to tell the truth during your testimony
4 at that July 10, 2009 hearing, correct?

5 A. Correct.

6 Q. And did you tell the truth that day?

7 A. I believe to the best of my ability.

8 Q. And today you were sworn to tell the truth again in
9 this deposition, correct?

10 A. Correct.

11 Q. And you testified earlier today, you specifically
12 denied a couple times that you had told Detective Krause
13 that your sister or your stepbrother had been molested.

14 So my question to you at this point is, which is true,
15 did you or did you not tell Detective Krause that your
16 sister and stepbrother had also been molested by your
17 father?

18 A. Detective Krause told me that my sister and
19 stepbrother had been molested. I went along with it.

20 Q. So your answer now is, yes, you did tell Detective
21 Krause in March 1985 that not just you but also your sister
22 and stepbrother had been molested by your father?

23 A. She informed me that they had been molested.

24 Q. That's not my question. I want to get to the point
25 here. Is your testimony now, and it was one way in the

1 reference hearing and it's been a different way today so I'm
2 just trying to find out when we walk out of here which
3 version are you going to swear to.

4 So did you tell Detective Krause in March of 1985 that
5 you and your sister and your stepbrother were molested by
6 your father?

7 A. She told me I was molested and I agreed to it.

8 Q. So the answer to my question is, yes, you did tell
9 her?

10 A. I agreed to it.

11 Q. And then also if you look at Page 29 of the
12 Exhibit 5 there was a question starting at Line 2. You were
13 asked, Question: You were interviewed by your father's
14 attorney Mr. Jim Rulli, weren't you?

15 Your answer: I believe so.

16 Question: Down in Sacramento.

17 Answer: I believe so.

18 Question: And you told Attorney Rulli that in fact you
19 had been abused.

20 Answer: I told everybody when I was nine that I had
21 been abused.

22 That's your testimony at that time, correct?

23 A. That's my testimony at that time.

24 Q. Now again today I think you specifically denied
25 ever having been interviewed by Mr. Rulli?

1 told Mr. Camiel?

2 A. Apparently it's, Matthew wants to recant his
3 statements.

4 Q. And then did you meet with Mr. Camiel on that same
5 trip up to Renton?

6 A. I believe so.

7 Q. Where did you meet with him?

8 A. Seattle.

9 Q. At his office?

10 A. Correct.

11 Q. Did your father go with you?

12 A. Yes.

13 Q. Did anyone else accompany the two of you?

14 A. No.

15 Q. What happened at Mr. Camiel's office?

16 A. I filed an official report, declaration, began
17 that. I believe it's where this is drafted.

18 Q. When you say this, you're referring to the
19 declaration of Matthew Ray Spencer we've marked as
20 Exhibit 3?

21 A. Correct.

22 Q. Who typed it up?

23 A. Peter's office.

24 Q. Was it Mr. Camiel or somebody else at his office?

25 A. I didn't see it.

1 Q. Was it handed to you in this form that we see it
2 marked here as Exhibit 3?

3 A. I believe so.

4 Q. Do you know how Mr. Camiel's office came up with
5 the content?

6 A. Came up through me.

7 Q. Just explain to me how this was drafted?

8 A. I came in, gave an interview, and they typed it up.

9 Q. And does this declaration accurately reflect the
10 content of the statements you made to Mr. Camiel that day?

11 A. Most of it is.

12 Q. When you say most of it, are there parts that you
13 don't feel are accurate?

14 A. Yeah, Paragraph 18, While I believe that I did tell
15 her the things written in the report attributed to me about
16 my father sexually abusing me, none of it is true.

17 When it comes to that, I went along with what she had
18 told me had happened to me. There wasn't anything that I
19 had generated on my own except for after that maybe the
20 details of maybe a couple of things, the yellow sweater, red
21 Porsche. Other than that I went along with what she told me
22 to say.

23 Q. Well, do you now think that this, the statement
24 that you just read, the second sentence in Paragraph 18 is
25 not accurate?

1 A. I believe it could have been written a little bit
2 better.

3 Q. How? How do you believe it should have been
4 written?

5 A. Well, I didn't tell her the things written. They
6 were told to me and I agreed to them.

7 Q. Anything else in this declaration that you believe
8 you should have changed before you signed it?

9 A. Not that I can see at the moment.

10 Q. And I guess I should ask, did you read this
11 declaration from start to finish before you signed it?

12 A. I scanned it.

13 Q. What does that mean? Did you or didn't you read it
14 from start --

15 A. I didn't study it, no. I didn't study it.

16 Q. You understood that whatever it said you were
17 subscribing to under penalty of perjury?

18 A. Yeah. I also understand that I had other
19 information handed to me after this was written.

20 Q. What do you mean by that?

21 A. Well, there's a videotape of Jim Peters, okay. I
22 had never seen that until after this was done. That
23 reassured me that I know that what was told to me was what I
24 had to agree to to make people happy.

25 Q. But I'm not understanding. What difference would

DECLARATION OF MATTHEW SPENCER

CLARK COUNTY SUPERIOR COURT FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON

No. 85-2-00007-2

VS.

CLYDE RAY SPENCER

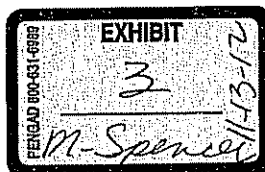
DECLARATION OF MATTHEW RAY
SPENCER

I, MATTHEW RAY SPENCER DECLARE UNDER PENALTY OF PERJURY UNDER
THE LAWS OF THE STATE OF WASHINGTON AND THE UNITED STATES THAT THE
FOLLOWING FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

1. I AM THE SON OF CLYDE RAY SPENCER WHO WAS CONVICTED IN 1985
IN CLARK COUNTY WASHINGTON OF HAVNG SEXUALLY ABUSED ME, MY
SISTER KATHRYN AND MY STEPBROTHER MATT HANSEN.
2. I CURRENTLY RESIDE IN CALIFORNIA AND WORK AS AN AUTOMOTIVE
TECHNICIAN. I HAVE HAD TWO YEARS OF COLLEGE.
3. IN 1985 I WAS NINE YEARS OLD. MY DATE OF BIRTH IS NOVEMBER
28, 1975.

DECLARATION OF MATTHEW SPENCER

1



Mair & Camiel, P.S.
710 Cherry Street
Seattle, WA 98104
Phone: 206-624-1551
Facsimile: 206-623-5951

DECLARATION OF MATTHEW SPENCER

- 1 4. I AM NOW 30 YEARS OLD AN I AM MAKING THIS DECLARATION OF MY
- 2 OWN FREE WILL WITHOUT ANY THREAT, PROMISE, INCUCEMENT OR
- 3 PRESSURE PUT UPON ME.
- 4 5. IN 1984 I LIVED WITH MY MOTHER AND SISTER IN CALIFORNIA. MY
- 5 FATHER LIVED IN THE STATE OF WASHINGTON. MY SISTER AND I
- 6 CAME TO VISIT DURING THE SUMMER.
- 7 6. I HAVE HAD NO CONTACT WITH MY FATHER, CLYDE RAY SPENCER OR
- 8 HIS ATTORNEY OR INVESTIGATOR SINCE 1984, ALTHOUGH I AM AWARE
- 9 OF THE FACT THAT OVER THE YEARS THE ATTORNEY WORKING FOR MY
- 10 FATHER HAS ATTEMPTED TO CONTACT ME AND THAT MY FATHER WROTE
- 11 LETTERS AND SENT CHRISTMAS GIFTS.
- 12 7. I AM AWARE THAT OVER THE YEARS MY MOTHER OBJECTED TO MY
- 13 BEING INTERIVEWED BY MY FATHER'S ATTORNEY OR INVESTIGATOR
- 14 AND TOLD THEM NOT TO CONTACT ME.
- 15 8. IN 2005 I LEARNED THAT MY FATHER HAD BEEN RELEASED FROM
- 16 PRISON AFTER SERVING OVER 20 YEARS.
- 17 9. THE FIRST CONTACT I HAVE HAD WITH MY FATHER WAS THROUGH A
- 18 NEWSPAPER REPORTER, KEN OLSON FROM THE VANCOUVER COLUMBIAN
- 19 WHO TOLD ME HE WAS WRITING AN ARTICLE ABOUT MY FATHER'S CASE
- 20 AND WANTED TO INTEVIEW ME. AT THE TIME THAT THE REPORTER
- 21 CONTACTED ME IN ABOUT SEPTEMBER OF 2005 I TOLD THE REPORTER
- 22 I WANTED TO COME TO SEATTLE TO MEET WITH MY FATHER.
- 23
- 24
- 25

DECLARATION OF MATTHEW SPENCER

2

Mair & Camiel, P.S.
710 Cherry Street
Seattle, WA 98104
Phone: 206-624-1551
Facsimile: 206-623-5951

DECLARATION OF MATTHEW SPENCER

1 10. IN LATE 2005 MY FATHER SENT ME AN E-MAIL AND WE EXCHANGED E-
2 MAILS THAT LED TO MY VISITING WITH HIM IN SEATTLE FOR THE
3 FIRST TIME IN LATE FEBRUARY 2006.

4 11. THIS VISIT WAS THE FIRST TIME I HAVE SEEN MY FATHER SINCE
5 1984 AND THE FIRST TIME I HAVE EVER TALKED TO HIM ABOUT THE
6 CRIMINAL CHARGES.

7 12. I UNDERSTAND THAT MY FATHER WAS ACCUSED OF SEXUALLY
8 MOLESTING ME AND MY SISTER AND MY STEPBROTHER. I ALSO KNOW
9 THAT HE PLEADED GUILTY TO THOSE CRIMINAL CHARGES AND
10 RECEIVED A LIFE SENTENCE.

11 13. I CAN STATE UNEQUIVOCALLY THAT I WAS NEVER MOLESTED IN ANY
12 MANNER AT ANY TME BY MY FATHER.

13 14. I RECALL THAT IN 1985 I WAS INTERVIEWED BY A DETECTIVE AT
14 MY HOME. HE ASKED ME IF MY FATHER HAD TOUCHED ME
15 IMPROPERLY. I REMEMBER I TOLD THE DETECTIVE THAT I HAD NOT
16 BEEN TOUCHED BY MY FATHER IN ANY INAPPROPRIATE WAY.

17
18 15. I KNOW THAT I WAS INTERVIEWED BY A FEMALE DETECTIVE. I
19 REMEMBER DETECTIVE KRAUSE BY NAME. SHE WAS INVESTIGATING
20 THE ALLEGATIONS IN 1984 OR 1985 AND CAME DOWN TO CALIFORNIA
21 TO INTERVIEW ME AND MY SISTER. SHE DROVE ME AND MY SISTER
22 AROUND AND TOOK US TO HER MOTEL. SHE REPEATEDLY ASKED ME IF
23 MY FATHER HAD MOLESTED ME. SHE TOLD ME THAT MY SISTER AND
24 LITTLE MATT HAD ADMITTED THAT HE HAD MOLESTED THEM.

25 DECLARATION OF MATTHEW SPENCER

3

Mair & Camiel, P.S.
710 Cherry Street
Seattle, WA 98104
Phone: 206-624-1551
Facsimile: 206-623-5951

DECLARATION OF MATTHEW SPENCER

1
2 16. I KEPT TELLING HER HE DIDN'T DO ANYTHING. SHE WOULDN'T
3 ACCEPT MY DENIALS AND KEPT SUGGESTING THAT HE HAD MOLESTED
4 ME AND THAT I WASN'T BEING TRUTHFUL.
5

6 17. FINALLY I FIGURED THAT IF MY FATHER HAD MOLESTED MY SISTER
7 AND LITTLE MATT THAT MAYBE HE HAD MOLESTED ME AS WELL SO I
8 TOLD HER THAT HE HAD. I MADE UP SPECIFIC DETAILS OF WHAT
9 MY FATHER DID BASED ON WHAT THE DETECTIVE ASKED ME. NONE OF
10 THIS WAS TRUE.
11

12 18. I HAVE HAD THE OPPORTUNIT TO REVIEW THE REPORT WRITTEN BY
13 DETECTIVE KRAUSE CONCERNING HER MARCH 24, 1985 INTERVIEW
14 WITH ME. WHILE I BELIEVE THAT I DID TELL HER THE THINGS
15 WRITTEN IN THE REPORT ATTRIBUTED TO ME ABOUT MY FATHER
16 SEXUALLY ABUSING ME NONE OF IT IS TRUE.
17

18 19. LATER I WAS FLOWN UP TO WASHINGTON FOR ANOTHER INTERVIEW. I
19 RECALL I MADE UP STORIES OF OTHER POLICE OFFICERS ALONG WITH
20 MY FATHER BEING INVOLVED IN ABUSING ME, LITTLE MATT AND
21 KATHRYN AND SOMEONE DRIVING A RED PORSCHE. NONE OF THIS
22 WAS TRUE.
23
24
25

DECLARATION OF MATTHEW SPENCER

4

Mair & Camiel, P.S.
710 Cherry Street
Seattle, WA 98104
Phone: 206-624-1551
Facsimile: 206-623-5951

DECLARATION OF MATTHEW SPENCER

1 20. I NEVER OBSERVED MY FATHER HAVE ANY SEXUAL CONTACT WITH MY
2 SISTER OR STEPBROTHER, MATT HANSEN, NOR DID EITHER ONE OF
3 THEM EVER TELL ME THAT HE DID SO.

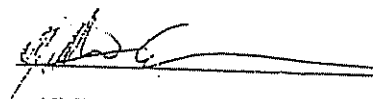
4 21. OVER THE YEARS I HAVE TALKED WITH MY SISTER KATHRYN. SHE HAS
5 TOLD ME THAT SHE MUST HAVE BLOCKED OUT THE ABUSE BY MY
6 FATHER BECAUSE SHE HAS NO MEMORY OF HAVING BEEN ABUSED BY
7 HIM.

8 22. OVER THE YEARS I HAVE ALWAYS WANTED TO COME FORWARD AND MAKE
9 CLEAR THAT MY FATHER HAD NOT SEXUALLY ABUSED ME, BUT I HAVE
10 NOT KNOWN HOW TO GO ABOUT SETTING THE RECORD STRAIGHT.

11 23. ON FEBRUARY 27TH, 2006 I MET WITH MY FATHER'S LAWYER, PETER
12 A. CAMIEL IN SEATTLE AND TOLD HIM ALL OF THE ABOVE FACTS.

13 24. I HAVE CAREFULLY REVIEWED EVERY LINE OF THIS DECLARATION FOR
14 ACCURACY. IT IS ALL TRUE TO THE BEST OF MY KNOWLEDGE AND I
15 AM WILLING TO GO TO COURT AND SWEAR TO THESE FACTS BEFORE A
16 JUDGE.

17 DATED THIS 27TH DAY OF FEBRUARY, 2006 AT SEATTLE, WASHINGTON
18
19

20 
21 MATTHEW RAY SPENCER
22
23
24

25 DECLARATION OF MATTHEW SPENCER
5

Mair & Camiel, P.S.
710 Cherry Street
Seattle, WA 98104
Phone: 206-624-1551
Facsimile: 206-623-5951

EXHIBIT M

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW)
RAY SPENCER, and KATHRYN E.)
TETZ,)
)
Plaintiffs,)
)
vs.) NO. 3:11-cb-05424-BHS
)
FORMER PROSECUTING ATTORNEY)
FOR CLARK COUNTY JAMES M.)
PETERS, DETECTIVE SHARON)
KRAUSE, SERGEANT MICHAEL)
DAVIDSON, CLARK COUNTY)
PROSECUTOR'S OFFICE, CLARK)
COUNTY SHERIFF'S OFFICE, THE)
COUNTY OF CLARK and JOHN DOES)
ONE THROUGH TEN,)
)
Defendants.)

DEPOSITION UPON ORAL EXAMINATION OF JAMES M. PETERS

Thursday, November 8, 2012
Olympia, Washington

1 Q Is it fair to say that during this time period we're
2 talking about -- November/December of 1984 -- you made all
3 the charging decisions regarding the prosecution of sex
4 crimes involving children in Clark County?

5 A Not exactly. I was the person who was the regular intake
6 person for the sex crimes. If I was involved in trials, as
7 I was in this case, and frequently was, if it was an
8 emergent matter, then it would go to someone else.

9 If it was a routine matter, then it would just get
10 put in a box and I would get to it, and I would make -- in
11 a routine case I would make a charging decision, and then
12 the supervisors would assign the case out to one deputy
13 prosecutor or another. I didn't keep them all.

14 If it was a sensitive case, no decision would be made
15 without the boss's input.

16 Q Okay. You mentioned earlier that you recommended that the
17 case be submitted to Rebecca Roe?

18 A I definitely did that.

19 Q You did that?

20 A I did that.

21 Q Okay. And then that recommendation was made to Art Curtis?

22 A Yes.

23 Q Was anyone else involved in that decision?

24 A Well, it was between a subordinate and his supervisor. I
25 don't know if the criminal chief may have been involved.

1 I'm not sure. I don't remember.

2 Q Who was the criminal chief?

3 A Roger Bennett.

4 Q And how about Sharon Krause, was she involved in that
5 decision?

6 A Not in the decision. I'm sure she may have known about it,
7 but, I mean, she was -- in the hierarchy of the Sheriff's
8 Office, she was a detective. They had their supervisors
9 and a Sheriff who were in their hierarchy. Our hierarchy
10 was different.

11 Q When that submission was made, you wanted to make sure that
12 Rebecca Roe had all the evidence available, correct?

13 A I was in trial when that decision was made. Art Curtis
14 submitted that while I was in trial. I was not involved in
15 that in any way.

16 Q So you were not involved in any way as to what evidence
17 would be submitted to Rebecca Roe for her review; is that
18 correct?

19 A No. I'm sure Art Curtis had the file, and he sent her
20 whatever he had. That's my assumption.

21 Q Are you aware of what she sent her?

22 A No. I've seen the --

23 Q Rebecca Roe was a --

24 A I've seen the letter. The letter just said -- says the
25 reports are attached. No, no, wait a minute. That was a

1 how many times I can say that, but the interview happened
2 the next day. The get-to-meet-you happened the day that
3 she arrived.

4 Q So you don't remember the meeting, you made very clear. So
5 it's possible you could have rehearsed her statements with
6 her, right?

7 MS. FETTERLY: Object.

8 A No, that's not possible.

9 Q (By Mr. Johnson) Oh, so you remember some of what happened
10 that day, right?

11 MS. FETTERLY: Objection; argumentative.

12 Q (By Mr. Johnson) You remember some?

13 A I don't remember the meeting at all, but I -- you know, I
14 don't remember the meeting.

15 Q Just kind of speculating as to whether or not you rehearsed
16 or practiced with her?

17 A You're asking me to speculate about all sorts of things.

18 Q Okay. You decided -- when did you decide or who decided
19 that the meeting on December 11 would be videotaped?

20 A I don't recall.

21 Q Was it Sharon Krause?

22 A Well, the equipment was in the Sheriff's office. I don't
23 recall. I don't recall -- I don't recall who made the
24 decision to videotape it.

25 Q Did Katie ask you to videotape her?

1 A No.

2 Q Did DeAnne?

3 A No.

4 Q Did Shirley Spencer?

5 A No.

6 Q Did Art Curtis?

7 A He may have. I don't recall.

8 Q Was it your idea?

9 A It may have been.

10 Q You just don't know; is that correct?

11 A I don't know.

12 Q Is it possible -- is there anybody else you can think of
13 who made the decision to videotape that I haven't asked you
14 about?

15 A The decision would have either been mine or Art Curtis'
16 because it was our interview, or maybe we talked about it.
17 I just don't recall.

18 Q Why was it videotaped?

19 A To document it.

20 Q What does that mean?

21 A To document it. It's evident what it means.

22 Q What's your -- I'm sorry. What is -- it's not evident to
23 me. Or maybe you can't explain it any further, so I can
24 understand.

25 A To make a record of it.

1 Q Did you tell Art Curtis about the videotaped interview with
2 Katie?

3 A Yes.

4 MS. FETTERLY: Asked and answered.

5 Q (By Mr. Johnson) In that meeting did you tell him that?

6 A I don't recall.

7 Q Did he ask you for the videotape?

8 A I don't recall. I didn't have it anyway, but I don't
9 recall.

10 Q Did --

11 A I think I may have said --

12 Q Would you have obtained it?

13 A I think I may have said, "You can go down and look at it if
14 you want to."

15 Q Did he need your permission?

16 A No, I'm telling him that's where it is, in the Sheriff's
17 office. He didn't need my permission.

18 Q You knew where it was on January 2nd or 3rd of 1984 [sic];
19 is that correct?

20 A In the Sheriff's office, yes.

21 Q Where is the Sheriff's office?

22 A I had no idea. When I -- Jeff had it. And what he did
23 with it, I don't know.

24 Q How do you know Jeff had it?

25 A It was in the camera. Jeff had access or had control of

1 the camera.

2 Q You're assuming that?

3 A Well, it was -- he set it up. He controlled it while --
4 during the first part of the interview, and I'm confident
5 he came and picked it up when we were done with the second
6 part of the interview.

7 Q Did you observe him come pick it up?

8 A I don't recall.

9 Q You did not observe him come pick it up, correct?

10 A I don't recall, Counsel. You can draw --

11 Q Again, if you were to assume --

12 A I'm drawing inferences from obvious facts. He brought it
13 in, he set it up, he turned it on. We finished the
14 interview. I left. I -- you know, you could draw
15 reasonable inferences from those facts.

16 Q So you left the room with the videotape still in the
17 camera?

18 A Well, the room was Sharon Krause's office.

19 Q Okay. Did you do it in a cubicle?

20 A Well, I don't know if -- at one point she had a cubicle.
21 At one point she had an office. I don't recall which at
22 that point, because she changed.

23 Q Will you give it to me again? You left that room and a
24 videotape that you had played a role in creating of a minor
25 child being questioned about sexual abuse of her father

1 without the camera man present and proceeded on your way;

2 is that correct?

3 A I don't recall. I'm sure the custody of the --

4 Q Did you take any steps --

5 A I'm sure the custody of the tape was taken over by somebody

6 in the Sheriff's office.

7 Q And can you name the person in the Sheriff's office that

8 you are sure took custody of the tape?

9 A No, I can't recall.

10 Q And you did not observe anyone in the Sheriff's office

11 taking custody of that tape, correct?

12 A I don't recall.

13 Q That means you don't know one way or the other, right?

14 A I don't know one way or the other. It was 28 years ago.

15 MS. FETTERLY: Do you need a break?

16 THE WITNESS: No.

17 Q (By Mr. Johnson) All right. Did you write anything on

18 that -- let's go back to the beginning in that videotape.

19 Did you write anything on the tape?

20 A I don't recall having done so.

21 Q Well, you would assume, wouldn't you, that the tape was

22 labeled?

23 A I -- you're -- now you're asking me to assume. I don't

24 recall. The tape didn't belong to me. The tape was the

25 property of the Sheriff's office and it remained with the

1 in? Because you understand what a chain of custody is,
2 right?

3 A Yes, I do. Officers would write a report. Sometimes there
4 would be a specific property report that would list items
5 one, two, three, four, five and identify what they are, and
6 they would go in evidence.

7 Q Did you ever see that type of report reflecting what
8 happened to the December 11, 1984, video interview that you
9 did with Katie Spencer?

10 A No.

11 Q Did you -- did you tell Art Curtis that you were going to
12 meet with Katie prior to when you met with Katie?

13 A I don't recall.

14 Q Let me -- why would you leave the Sheriff's Department and
15 the tape there if you made that tape to evaluate Katie's
16 competency?

17 A You're asking me to speculate and remember something from
18 28 years ago. I don't recall.

19 Q No. I'm asking you in this -- you'd agree this was a very,
20 very serious procedure that you performed with Katie
21 Spencer, correct?

22 A It was an important procedure.

23 Q Okay. And I'm asking you why you would videotape that
24 interview and then depart the Sheriff's Department without
25 the tape after you had taken such steps to have videotaped

1 your evaluation of Katie's competency? Why would you do
2 that?

3 A That would have been the original document or the original
4 recording, which we would never have kept in our office.

5 Q Why not?

6 A We didn't keep any evidence in our office.

7 Q Did you ask anybody about what would happen to the tape
8 after you left?

9 A I don't recall.

10 Q You may have; you may not have, is that correct?

11 A I just -- yes, I don't recall.

12 Q Did you have any concerns that this tape contained a
13 five-year-old child talking about -- to you about sexual
14 molestation of her vaginally, et cetera, and her father,
15 who had not been charged yet, did you have any concerns
16 that this could get into the wrong hands because you left
17 without giving any directions whatsoever to anyone about
18 what to do with it?

19 A No, because it was left it with Sharon Krause, Sharon
20 Krause's office.

21 Q Sharon Krause was not present at the end of the interview,
22 correct?

23 A I believe she was there. I mean, I don't have immediate --

24 Q Was she --

25 A I don't have any independent recollection of anything other

1 Q They're different things, right, like you said earlier?

2 A They're related.

3 MR. JOHNSON: Okay, we'd like a two-minute
4 break. I think we're done. And we'll only be two minutes.

5 (Recessed at 4:09 p.m.)

6 (Reconvened at 4:09 p.m.)

7 MR. JOHNSON: We're all done.

8 MR. BOGDANOVICH: This is Guy Bogdanovich. I've
9 got a follow-up or two.

10 EXAMINATION

11 BY MR. BOGDANOVICH:

12 Q Mr. Peters, you mentioned that if the case was going to go
13 to trial that you would have sat down with Sharon Krause
14 and reviewed the file, and then I think you've testified
15 that's when you would have made the decision what needs to
16 be disclosed; is that correct?

17 A That's correct.

18 Q And whose responsibility would it have been to make the
19 decision of what needs to be disclosed to the criminal
20 defense attorney?

21 A Ultimately the responsibility would have been mine --

22 Q Okay.

23 A -- at the point I was back in the case. There was another
24 lawyer involved for three and a half months before I became
25 involved in the charged case.

1 Q But whether it would have been you or another prosecutor
2 assigned to the case, that would have been the prosecutor's
3 decision to make; is that correct?

4 A Yes. Once we'd reviewed the discovery with the
5 investigator and compared what we had with what they had.

6 MR. BOGDANOVICH: All right. Thanks. That's
7 all I have.

8 MS. FETTERLY: There are no further questions
9 here.

10 MR. FREIMUND: Reserve signature?

11 MS. FETTERLY: Yeah, we'll reserve signature.

12 MR. FREIMUND: Do you want to talk about the
13 exhibits?

14 MR. BOGDANOVICH: Yeah.

15 Counsel, we wanted to make sure -- I think we raised
16 it a couple times and never really, I don't think, had a
17 clear agreement or understanding. Was it your intention
18 that everything in all of the three different groupings of
19 notebooks that you sent as deposition exhibits be marked
20 and attached to the depositions of these three witnesses as
21 exhibits?

22 MS. ZELLNER: Yes, that's what we want.

23 MR. BOGDANOVICH: Okay. And I think I made my
24 record during Sharon Krause's, but I do want to state an
25 objection to any later admissibility of any of the exhibits